



CONNECTICUT ASSOCIATION OF  
**REALTORS® INC.**

BUREAU OF WATER PROTECTION AND LAND REUSE  
OFFICE OF THE BUREAU CHIEF

FEB 04 2010

January 29, 2010

Paul E. Stacey  
Department of Environmental Protection  
Bureau of Water Protection and Land Reuse  
Planning & Standards Division  
79 Elm Street  
Hartford, CT 06106-5127

**RE: Proposed Stream Flow Standards and Regulations**

Dear Mr. Stacey:

On behalf of our 17,000 members, please accept these comments regarding the proposed stream flow regulations published by the Department of Environmental Protection (DEP).

In brief, we ask that there be a moratorium on imposing these new rules during which time an independent analysis be undertaken. The study would document costs to ratepayers, cost to state and municipal governments, and their impact on doing business in Connecticut.

We recognize that in 2005 the Legislature directed DEP to expand the coverage of existing stream flow standards to ALL rivers and streams rather than only those stocked with fish as was the case previously (Public Act 05-142). In addition, the statute directed the Department to not just provide for the needs of fish, other aquatic life, and recreation, but specifically to provide "for the needs and requirements of public health, flood control, industry, public utilities, water supply, public safety, agriculture, and other lawful uses of such waters."

REALTORS® appreciate that the DEP consulted many experts as well as an Advisory Group to develop these new rules. Nevertheless we believe more work is needed to demonstrate that they conform to legislative intent and to show that the remedy is proportionate to the problem. The portions of the regulations addressing groundwater appear to go beyond the Legislature's objectives dealing with surface water.

By the Department's own admission, insufficient information has been available to explain what the proposals will actually do and their impact. This is evidenced by statements accompanying the regulations, like "...there will be limited fiscal impact to small business... for the first five years. However, small business may need to invest in infrastructure improvements during the first few years. Then a flexible implementation schedule from five to fifteen years has been established...to reduce the impact of full compliance." (emphasis added).

The regulations need to be looked at by independent parties - - particularly from a cost-benefit view. If in fact they raise costs by hundreds of millions of dollars to ratepayers and to municipalities, and



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if they cause a potentially dangerous drop in water supplies, major alterations must be made.

REALTORS® believe the agency's fiscal note is flawed. To say that such an expanded government program can be administered and enforced using "existing staff" is not persuasive. As well, it does not do the taxpayers justice to say that the cost to small businesses is "highly variable" and the cost to municipalities simply limited to some future "phase-in" and "classification"

Thank you for your consideration.

If you have any questions or comments, please contact Tim Calnen, our Association's Vice President of Government Affairs, at (860) 290-6601 ext 305.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicholle Dagata".

Nicholle Dagata, President